



INDEPENDENTS

AUCTIONEER COMMISSION

Executive Officer: Karen Wyant
(916) 324-5894

The Auctioneer and Auction Licensing Act, Business and Professions Code section 5700 *et seq.*, was enacted in 1982 and establishes the California Auctioneer Commission to regulate auctioneers and auction businesses in California.

The Act is designed to protect the public from various forms of deceptive and fraudulent sales practices by establishing minimal requirements for the licensure of auctioneers and auction businesses and prohibiting certain types of conduct.

Section 5715 of the Act provides for the appointment of a seven-member Board of Governors, which is authorized to adopt and enforce regulations to carry out the provisions of the Act. The Board's regulations are codified in Chapter 3.5, Title 16 of the California Code of Regulations (CCR). The Board, which is composed of four public members and three auctioneers, is responsible for enforcing the provisions of the Act and administering the activities of the Commission. Members of the Board are appointed by the Governor for four-year terms. Each member must be at least 21 years old and a California resident for at least five years prior to appointment. In addition, the three industry members must have a minimum of five years' experience in auctioneering and be of recognized standing in the trade.

The Act provides assistance to the Board of Governors in the form of a council of advisers appointed by the Board for one-year terms. In September 1987, the Board disbanded the council of advisers and replaced it with a new Advisory Council (see CRLR Vol. 7, No. 4 (Fall 1987) p. 99 for background information).

MAJOR PROJECTS:

Enforcement Program. According to Executive Officer Karen Wyant's report at the January 4 Board meeting, 67 field investigations were initiated in the last half of 1989. Forty-one of these investi-

gations were concluded, resulting in two fines and one notice. The Commission believes these statistics indicate better compliance by licensees. Also, Wyant noted that recent emphasis has been on inspecting rather than investigating. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 125-26 for background information.)

In 1989, the Board revoked three licenses, and anticipates the revocation of seven more by the end of 1990. The basis for the revocations will most likely be bond claim actions.

Monitoring of "Estate Sale" Advertisements. At its January 4 meeting, the Board decided to enforce its definition of "estate sale", which means the sale of goods belonging to a deceased person, through investigations. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 126 and Vol. 9, No. 2 (Spring 1989) p. 111 for background information.) Once violations are discovered through investigations and complaints, the Board will prosecute the licensee for false advertising.

RECENT MEETINGS:

The Board addressed two issues at its January 4 meeting. The first was whether the Board should reduce the 1990 renewal fee for licensees. The current fee is \$265; the Board discussed a proposal to reduce this fee to \$200. Karen Wyant pointed out that costs for prosecuting disciplinary cases will increase in the future because of the increase in investigations. Therefore, if the renewal fees were reduced to \$200, the Auctioneer Commission would most likely be operating at a deficit by 1992. The Board decided it should wait until it has more experience and data on prosecuting "shill" cases before reducing the licensee renewal fee.

The Board also discussed the renewal of its private investigator contracts. Currently, the private investigator contracts are awarded to ten firms throughout California, with a specific dollar amount allocated to each area. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 111 and Vol. 9, No. 1 (Winter 1989) p. 97 for background information.) A problem arises when one area experiences a lot of activity and requires numerous investigations. If the area runs out of

money, the Board may not be able to investigate a specific complaint within that area. This occurs even though the Board has surplus monies allocated for investigations to other areas. To alleviate this problem, the Board approved two proposals. The first proposal modifies the existing areas, and establishes new boundary lines based on the amount of work flowing from specific geographical locations. The second proposal gives the Executive Officer the flexibility to move any of the investigation monies to different areas. In other words, so long as she stays within the investigation budget, the EO may move money allocated in one area to another area.

FUTURE MEETINGS:

May 11 in Sacramento.

BOARD OF CHIROPRACTIC EXAMINERS

Executive Director: Vivian R. Davis
(916) 445-3244

In 1922, California voters approved an initiative which created the Board of Chiropractic Examiners (BCE). Today, the Board's enabling legislation is codified at Business and Professions Code section 1000 *et seq.*; BCE's regulations are located in Chapter 4, Title 16 of the California Code of Regulations (CCR). The Board licenses chiropractors and enforces professional standards. It also approves chiropractic schools, colleges, and continuing education courses.

The Board consists of seven members, including five chiropractors and two public members.

MAJOR PROJECTS:

Regulatory Changes. On December 20, BCE finally submitted its amendments to section 356, Chapter 4, Title 16 of the CCR, to the Office of Administrative Law (OAL) for approval. This change would require Board-approved continuing education (CE) courses to be sponsored by chiropractic colleges having or pursuing status with the Council on Chiropractic Education; and would require that four out of every twelve hours of CE to be in adjustive technique. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 112 for background information.)

On December 29, BCE submitted to OAL its proposed amendment to section 355(a), which would (among other things) raise the annual renewal licens-